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	INL-00	DINT-00	DODE-00	DOEE-00	WHA-00	SRPP-00	DS-00
	EAP-00	EB-00	EUR-00	FBIE-00	VC-00	H-01	TEDE-00
	INR-00	IO-00	L-00	VCE-00	AC-01	NEA-00	NSAE-00
	OIC-02	OMB-01	OPIC-01	PA-00	PM-00	PRS-00	ACE-00
	P-00	SP-00	STR-00	TRSE-00	USIE-00	SA-00	R-00
	PMB-00	DSCC-00	PRM-01	DRL-02	G-00	NFAT-00	SAS-00
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FM AMEMBASSY HARARE  
TO SECSTATE WASHDC PRIORITY 8076  
INFO NSC WASHDC PRIORITY  
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY  
AMEMBASSY NAIROBI  
AMEMBASSY OTTAWA  
AMEMBASSY WELLINGTON  
AMEMBASSY NEW DELHI  
AMEMBASSY ABUJA  
AMEMBASSY ACCRA  
AMEMBASSY CANBERRA

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SIPDIS

NSC FOR SENIOR AFRICA DIRECTOR  
LONDON FOR GURNEY  
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NAIROBI FOR PFLAUMER

E.O. 12958: DECL. 01/24/11  
TAGS: PGOV PHUM PINS ZI  
SUBJECT: MDC MP URGES INTERNATIONAL COMMUNITY TO GET TOUGH  
WITH MUGABE

CLASSIFIED BY CHARGE D'AFFAIRES EARL IRVING. REASONS: 1.5  
(B) AND (D).

SUMMARY

11. (C) MOVEMENT FOR DEMOCRATIC CHANGE (MDC) MP DAVID COLTART TOLD POLOFFS ON JANUARY 24 THAT ZIMBABWE'S PRESIDENTIAL ELECTION MUST BE HELD BETWEEN JANUARY 1 AND MARCH 31, 2002, AND SAID ANY ATTEMPT TO CALL AN EARLIER ELECTION WOULD BE UNCONSTITUTIONAL. HE CLAIMED THAT THE MDC HAS THE SUPPORT TO WIN AN ELECTION THAT IS EVEN CLOSE TO FREE AND FAIR, AND SAID THE PARTY WOULD FOCUS ON REGISTERING THE 600,000 ZIMBABWEANS EXPECTED TO TURN 18 BETWEEN LAST JUNE'S PARLIAMENTARY ELECTION AND THE UPCOMING PRESIDENTIAL POLL. ACCORDING TO COLTART, A COORDINATED CAMPAIGN OF PRESSURE ON PRESIDENT MUGABE BY THE INTERNATIONAL COMMUNITY -- PARTICULARLY COMMONWEALTH NATIONS -- IS ESSENTIAL TO ACHIEVING RESTORATION OF THE RULE OF LAW AND A FREE AND FAIR PRESIDENTIAL ELECTION. COLTART EXPRESSED SERIOUS CONCERN ABOUT INCREASING HARASSMENT AND INTIMIDATION OF SUPREME COURT JUSTICES, AND ASKED THAT THE INTERNATIONAL COMMUNITY DO WHAT IT CAN TO BOLSTER THE JUDICIARY. END SUMMARY.

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2002 PRESIDENTIAL ELECTION

12. (C) IN A JANUARY 24 DISCUSSION OF RECENT POLITICAL DEVELOPMENTS WITH POLOFFS, MDC MEMBER OF PARLIAMENT AND SECRETARY FOR LEGAL AFFAIRS -- AND PROMINENT HUMAN RIGHTS

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LAWYER -- DAVID COLTART NOTED THAT THE PRESIDENTIAL ELECTION MUST BE HELD BETWEEN JANUARY 1 AND MARCH 31, 2002. ACCORDING TO COLTART, THE CONSTITUTION REQUIRES THAT A PRESIDENTIAL ELECTION BE HELD WITHIN 90 DAYS PRIOR TO THE EXPIRATION OF THE INCUMBENT'S TERM, AND PRESIDENT MUGABE'S CURRENT TERM EXPIRES ON APRIL 1, 2002. HE DISMISSED THE POSSIBILITY THAT ZANU-PF COULD CALL A SNAP ELECTION LATER THIS YEAR IN AN EFFORT TO CATCH THE MDC OFF-GUARD, SAYING SUCH A MOVE WOULD BE UNCONSTITUTIONAL. THE ONLY WAY AN ELECTION COULD BE HELD EARLIER THAN THE SPECIFIED 90-DAY PERIOD, COLTART SAID, WOULD BE IN THE EVENT MUGABE

RESIGNED, DIED, OR WAS INCAPACITATED.

**13.** (C) COLTART INSISTED THAT ZIMBABWEAN DEMOGRAPHICS FAVOR THE MDC IN THE UPCOMING PRESIDENTIAL ELECTION. ZANU-PF, HE POINTED OUT, WON 200,000 FEWER VOTES THAN THE OPPOSITION PARTIES IN LAST JUNE'S PARLIAMENTARY ELECTIONS AND WOULD BE UNLIKELY, FOR TWO REASONS, TO PRESERVE EVEN THAT MARGIN IN 2002. FIRST, COLTART CONTENDED, ZANU-PF RECEIVED AS MANY VOTES AS IT DID BECAUSE MANY OF THE RULING PARTY'S PARLIAMENTARY CANDIDATES WERE POPULAR IN THEIR LOCAL COMMUNITIES. MUGABE, THOUGH, WOULD NOT RECEIVE AS MANY VOTES NATIONWIDE AS HIS PARTY DID, BECAUSE HE IS DEEPLY UNPOPULAR. SECOND, COLTART NOTED, SOME 600,000 ZIMBABWEANS

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ARE EXPECTED TO TURN 18 -- AND THUS BECOME ELIGIBLE TO VOTE -- BEFORE THE PRESIDENTIAL ELECTION, AND HE CLAIMED THAT MOST OF THESE POTENTIAL NEW VOTERS LIVE IN URBAN AREAS AND ARE COMPLETELY DISILLUSIONED WITH PRESIDENT MUGABE AND ZANU-PF. ONE OF THE MDC'S KEY ELECTORAL STRATEGIES, THEREFORE, IS TO REGISTER AS MANY OF THESE 18-YEAR-OLDS AS POSSIBLE. COLTART ASKED FOR U.S. ASSISTANCE IN ENSURING A FAIR, TRANSPARENT REGISTRATION PROCESS, NOTING THAT THE GOZ HAS IN THE PAST ERECTED OBSTACLES TO THE REGISTRATION OF VOTERS SUSPECTED OF SUPPORTING THE OPPOSITION.

ZANU-PF IN END GAME STRATEGY

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**14.** (C) COLTART SAID THE RECENT PARLIAMENTARY BY-ELECTIONS IN MARONDERA AND BIKITA HAD CONFIRMED THAT ZANU-PF IS DETERMINED TO EMPLOY ANY MEANS TO HOLD ON TO POWER. THE MDC, HOWEVER, DOES NOT HAVE THE CAPACITY OR INCLINATION TO COUNTER THE TERROR CAMPAIGNS THAT THE RULING PARTY IS CLEARLY PREPARED TO ORCHESTRATE IN OTHER BY-ELECTIONS. COLTART, THEREFORE, IS ADVISING THE MDC LEADERSHIP NOT TO BE AS STRIDENT IN PURSUING ITS CHALLENGES TO ZANU'S ELECTORAL VICTORIES IN 38 CONSTITUENCIES IN LAST JUNE'S PARLIAMENTARY ELECTIONS. IF THESE CHALLENGES ARE SUCCESSFUL AND RESULT IN THE HOLDING OF BY-ELECTIONS, THE

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FM AMEMBASSY HARARE  
TO SECSTATE WASHDC PRIORITY 8077  
INFO NSC WASHDC PRIORITY  
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AMEMBASSY NAIROBI  
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MDC'S PREFERENCE WOULD BE FOR THEM TO BE CONDUCTED IN TRANCES, RATHER THAN INDIVIDUALLY, AS THIS WOULD POSE A LOGISTICAL CHALLENGE FOR ZANU-PF AND ITS TACTICS OF VIOLENCE AND INTIMIDATION. (NOTE: COLTART MENTIONED THAT ANOTHER BY-ELECTION MAY SOON BE IN THE OFFING BECAUSE THE ZANU-PF MP FOR MWENEZI DISTRICT, ISAIAH SHUMBA, IS "ON HIS DEATH BED." END NOTE.)

15. (C) COLTART STRESSED THAT A COORDINATED CAMPAIGN OF PRESSURE ON PRESIDENT MUGABE BY THE INTERNATIONAL COMMUNITY -- PARTICULARLY COMMONWEALTH NATIONS WHICH HAVE HISTORICALLY ENJOYED GOOD RELATIONS WITH ZIMBABWE -- IS ESSENTIAL TO BRINGING ABOUT A RESTORATION OF THE RULE OF LAW AND ENSURING A PRESIDENTIAL ELECTION THAT IS FREE AND FAIR. COLTART MENTIONED INDIA, CANADA, AUSTRALIA, NEW ZEALAND, GHANA, BOTSWANA, AND NIGERIA AS NATIONS THAT COULD PLAY A PARTICULARLY CONSTRUCTIVE ROLE. HE THOUGHT THE UNITED STATES COULD BE MOST EFFECTIVE BEHIND THE SCENES IN PRESSING OUR FRIENDS IN THE COMMONWEALTH TO DELIVER A VERY TOUGH MESSAGE TO MUGABE. THE ESSENCE OF THAT MESSAGE, COLTART URGED, SHOULD BE THAT THE INTERNATIONAL COMMUNITY

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WILL NOT TOLERATE THE GOZ'S CONTINUED ABUSE OF THE RULE OF LAW AND THAT, IF THE PRESIDENT CONTINUES TO VIOLATE THE HUMAN RIGHTS OF HIS CITIZENS IN AN EFFORT TO REMAIN IN POWER, HE CAN EXPECT TO FACE SPECIFIC CONSEQUENCES. SUCH CONSEQUENCES, COLTART EXPLAINED, MIGHT INCLUDE A BAN ON INTERNATIONAL TRAVEL BY MUGABE AND HIS CRONIES AND/OR A COORDINATED INVESTIGATION OF THE AMOUNT AND LOCATION OF THEIR ASSETS. THE THREAT OF HAVING HIS ASSETS SEIZED, COLTART BELIEVED, WOULD FORCE MUGABE TO REVERSE HIS MORE OBJECTIONABLE AND DAMAGING POLICIES.

16. (C) POLOFF ASKED WHO SHOULD BE THE PRIMARY TARGETS OF A TRAVEL BAN OR INTERNATIONAL INVESTIGATION. COLTART REPLIED THAT, LAST NOVEMBER, HE HAD SHARED WITH FORMER AF/DAS WITNEY SCHNEIDMAN AND AF/S A PAPER IMPLICATING ELEVEN SENIOR GOZ OFFICIALS, INCLUDING PRESIDENT MUGABE, IN SERIOUS HUMAN RIGHTS ABUSES ASSOCIATED WITH THE MATABELELAND MASSACRES IN THE 1980S AND WITH THE CAMPAIGN OF VIOLENCE WHICH PRECEDED THE JUNE 2000 PARLIAMENTARY ELECTION.

JUDICIARY NEEDS HELP

17. (C) COLTART EXPRESSED CONCERN THAT THE SUPREME COURT, AND CHIEF JUSTICE GUBBAY IN PARTICULAR, HAS COME UNDER IMMENSE PRESSURE FROM THE EXECUTIVE BRANCH, RANGING FROM THE NOVEMBER INVASION OF THE COURT BY WAR VETERANS AND RENT-A-THUGS TO REPEATED PUBLIC CRITICISMS BY SENIOR GOZ OFFICIALS. COLTART SAID HE HAS NO DOUBT THAT THE GOZ WANTS TO TRY TO FORCE GUBBAY TO RETIRE BEFORE HE REACHES HIS

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MANDATORY RETIREMENT AGE IN APRIL 2002 AND TO REPLACE HIM WITH THE PLIABLE PRO-ZANU JUDGE PRESIDENT OF THE HIGH COURT, GODFREY CHIDIYAUSIKU. GUBBAY, COLTART CLAIMED, IS FEELING INCREASINGLY ISOLATED AND MIGHT SOON SUCCUMB TO THE PRESSURE TO RESIGN. COLTART MADE A STRONG PLEA FOR THE UNITED STATES AND OTHERS TO DEMONSTRATE PUBLIC SUPPORT FOR THE JUDICIARY AND ITS INDEPENDENCE.

COMMENT

18. (C) WE SHARE COLTART'S ANALYSIS THAT PRESIDENT MUGABE ALMOST CERTAINLY CANNOT WIN AN ELECTION THAT APPROACHES FREE AND FAIR AND WILL USE ALL THE RESOURCES AT HIS DISPOSAL TO STAY IN POWER. THE RESIGNATION OF CHIEF JUSTICE GUBBAY -- AND HIS REPLACEMENT WITH GODFREY CHIDIYAUSIKU -- WOULD HAVE A CHILLING EFFECT ON THE RULE OF LAW, EFFECTIVELY NEUTRALIZING THE ONE REMAINING BRANCH OF GOVERNMENT THAT PROVIDES A CHECK ON MUGABE'S POWERS. WE ARE BEGINNING TO REACH THE CONCLUSION THAT ONLY SIGNIFICANT AND COORDINATED EXTERNAL PRESSURE IMPOSED VIA THE KIND OF DIPLOMATIC CAMPAIGN COLTART SUGGESTS, WITH TOUGH STICKS, IS LIKELY TO FORCE MUGABE TO STEP BACK FROM HIS PRESENT DISASTROUS COURSE.

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